REMARKS

Applicant thanks the Examiner for the telephone interview of April 15, 2008 during which the above-identified amendments were discussed, and provide the following remarks.

Reconsideration of this application and the rejection of claims 1-4, 7, 9-11, 13-17 and 20-22 are respectfully requested. Applicant has attempted to address every objection and ground for rejection in the Office Action dated January 16, 2008 (Paper No. 20080107) and believes the application is now in condition for allowance. The claims have been amended to more clearly describe the present invention.

Claims 1, 3, 4, 7, 9, 10, 13-17, 20 and 22 are rejected under 35 U.S.C. §102(b) as being anticipated by a coffee mug or similar type of cup. Applicant disagrees with and traverses this rejection for the following reasons.

Claim 1, as amended, recites, among other things, a handheld fish catching device that includes "a handle and a body" where the "body is a tube having a solid sidewall, unitary construction, a first end and an opposing second end." Claim 1 further recites "the first end defining a first opening having a first diameter that is slightly larger than a width of a fish" that "enables the fish to enter the tube and to be removed from the tube, the second end including a fixed end wall constructed to prevent the fish from exiting or being removed from the second end of the tube." Additionally, claim 1 recites that "the fixed end wall [defines] . . . a single, second opening having a second diameter, the second diameter being less than said first diameter and less than the width of the fish

to prevent the fish from exiting through the second opening." A coffee mug, cup or any similar container does not disclose such subject matter.

A coffee mug or cup includes a generally cylindrical wall having an open top end and a closed bottom end. The cylindrical side wall end and the bottom of the coffee mug are formed or joined so that the liquid or substance that is being held by the coffee mug does not leak out of the sides or bottom of the mug. In contrast, amended claim 1 recites a handheld fish catching device including a body having a first end and an opposing second end where the first end defines a first opening having a first diameter and a second end includes a fixed end wall defining a single second opening having a second diameter where the second diameter is less than the first diameter and less than the width of a fish that enters the body through the first opening. A coffee mug or cup is made to hold a liquid or other substance such as coffee or tea. The bottom end or wall and the side wall cannot have an opening because such an opening would allow the liquid or substance in the coffee mug to leak out of the mug. Accordingly, Applicant submits that a coffee mug or cup does not disclose a body having a first end and a second end where the first end has a first opening and a first diameter and the second end has a wall that defines a single, second opening having a second diameter as recited in amended claim 1.

For at least these reasons, Applicant submits that amended claim 1, and the claims that depend therefrom, are each patentably distinguished over a coffee mug, cup or similar container, and in condition for allowance.

Claims 10, 13 and 20 include similar subject matter to amended claim 1. Specifically, amended claim 10 recites, among other things, a handheld fish catching device including a handle having a first end and a second end where a first end defines a "first opening having a first diameter that is slightly larger than the width of a fish and enables the fish to enter the chamber" and where "the second end of the body [has] . . . a fixed end wall defining a single, second opening having a second diameter that is less than the first diameter." (Emphasis Added). As stated above, a coffee mug or cup does not disclose a second end that has a single, second opening as in the claimed invention.

Amended claims 13 and 20 also recite similar subject matter. Specifically, amended claim 13 recites, among other things, a handheld fish catching device that includes a body having "a first end and a second end wherein the first end defines a first opening having a first diameter that is slightly larger than a width of a fish" and "the second end includes a fixed end wall defining a single, second opening having a second diameter that is less than the first diameter." (Emphasis Added).

Amended claim 20 recites, among other things, a handheld, baitfish catching device that includes a body of unitary construction having a first end and opposing second end where "the first end [defines] . . . a first opening having a first diameter that is slightly larger than the width of a baitfish and the second end including a fixed, end wall, defining a single, second opening having a second diameter that is less than the first diameter." (Emphasis Added). As stated above, a coffee mug, cup or similar container does not disclose a second end having a single, second opening.

For at least these reasons, Applicant submits that amended claims 10, 13 and 20, and the claims that depend therefrom, are each patentably distinguished over a coffee mug or cup and in condition for allowance.

Claims 1, 2, 10, 11, 13, 19, 20 and 21 are rejected under 35 U.S.C. §102(b) as being anticipated by a flour sifter. Applicant respectfully disagrees with and traverses this rejection for the following reasons.

A flour sifter has a cylindrical side wall and a handle with a sifting portion at the bottom end of the cylindrical wall. The sifting portion is typically a thin metallic grating having several small holes for allowing only the smallest, finest flour particles to pass through the grating. A flour sifter does not disclose the subject matter of amended claim 1.

As stated above, amended claim 1 calls for a body having a first end and a second end, where a first end includes a first opening to receive a fish and the second end includes a single, second opening that is smaller than the first opening. In contrast, the flour sifter does not include a single opening at its second or bottom end because having only one opening would not allow much, if any, of the flour to pass through the sifter. As stated above, a flour sifter has several openings to allow the fine flour particles to pass through the sifter.

For at least these reasons, Applicant submits that amended claim 1, and the claims that depend therefrom, are each patentably distinguished over a flour sifter and in condition for allowance.

As stated above, amended claims 10, 13 and 20 include similar subject matter to amended claim 1. Specifically, each of these claims recites a handheld fish catching device that includes a body having a first end and a second end where the second end defines a single, second opening having a second diameter that is less than a first diameter of a first opening defined by the first end. As stated above, a flour sifter does not disclose such subject matter.

Accordingly, Applicant submits that amended claims 10, 13 and 20, and the claims that depend therefrom, are each patentably distinguished over a flour sifter and in condition for allowance.

Applicant submits that in view of the above-identified amendments and remarks, the claims in their present form are patentably distinct over the art of record. Allowance of the rejected claims is respectfully requested. Should the Examiner discover there are remaining issues which may be resolved by a telephone interview, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,

GREER, BURNS & CRAIN, LTD.

By Chris Hermanson

Christopher S. Hermanson
Reg. No. 48,244

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300 South Wacker Drive
Suite 2500
Chicago, Illinois 60606
Telephone: (312) 360-0080
Facsimile: (312) 360-9315
Customer No. 24978